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IN THE FOURTH JUDICIAL DISTRICT COURT
UTAH COUNTY, STATE OF UTAH, PROVO DEPARTMENT

In the matter of the marriage of: **LAUREN R MARSH**, and **KIRK RUSSEL MARSH**.	**ORDER ON HEARING (NOVEMBER 12, 2025)** Civil No.: 254402167 Commissioner: Ito Judge: Pullan

A hearing was held in person on November 12, 2025 before the Honorable Commissioner Ito regarding Lauren Marsh Zimmer's *Amended Motion to Enforce Order and for Sanctions* and Kirk Russel Marsh's *Counter Motion to Motion to Enforce Order and for Sanctions*. Petitioner, Lauren Zimmer (fka Lauren Marsh), was present and represented by counsel, Kristy Hanson. Respondent, Kirk Russel Marsh, was present, and represented himself. Having heard oral argument and proffers, reviewed pleadings, and for good cause appearing, the Court orders as follows:

1. The Court finds that the elements of contempt are that (1) there is a court order and that the party knew of the order, (2) the party had the ability to comply with the order, and (3) the party willfully failed to do so. This has to be demonstrated by clear and

convincing evidence.

2. The Court clarifies that they cannot establish new orders today and can only enforce an order signed by a judge. Orders made by a judge remain in effect, even if there is a pending petition to modify. Pursuant to UCRP 106, an order remains in effect during the pendency of a petition to modify. Filing a petition to modify does not stay the obligation to pay child support.

Child Support

3. The Court finds Father in contempt on the issue of child support.
4. The order of the Court requires Father to pay $700 a month in child support. Father knew of the order of the Court and has willfully failed to comply. This has been demonstrated by clear and convincing evidence.
5. Father has alleged that he is getting a higher education degree right now. The Utah Appellate Court case Mancil v. Smith, 18 P.3d 509 holds that a child's right to ongoing support should not be held hostage to a parent's desire to get a higher education, even if the parent's degree will eventually allow the parent to pay support at a higher level.
6. Zeros are not acceptable. Paying zero is never acceptable. The circumstances that would need to exist for something like that to actually be acceptable for zeros to be acceptable aren't present here in this case. If you can go to school to get a PhD, you can have a job and earn money to support your kids. They are not mutually exclusive. The Court is not persuaded by the notion that Father lacks the ability to comply.
7. The Court is also not finding that Father has met the requirements under Kessimakis v.

Kessimakis, which says that before you can say you lack the ability to comply you have to allege due diligence. The Court does not find that zeros demonstrate due diligence.

8. The lack of payments since December 2023 is after Father's release from incarceration. Mother is not requesting a finding of contempt for not paying child support while incarcerated.

Insurance Premiums and Medical Expenses

9. The Court finds by clear and convincing evidence that Father is found in contempt on the issues of insurance premiums and medical expenses.

Communication

10. The Court does not find contempt on the issue of communication, but the Court does introduce the following supplemental orders:
11. Both parties are to read BIFF for CoParent Communication: Your Guide to Difficult Texts, Emails, and Social Media Posts by Bill Eddy, Annette Burns, and Kevin Chafin.
12. The Court directs that the parties will utilize Our Family Wizard for communication and the tracking of expenses.
13. Each party will pay their own cost associated with Our Family Wizard. If the parties can agree on a different app, they can use that app, otherwise it will be Our Family Wizard.
14. The Court requires a response to an inquiry or email within 48 hours, even if it doesn't necessarily contain a question.
15. The Court does not require therapy, but reserves that as potentially required in the future.

Instagram Account

16. The Court finds Father in contempt as it relates to the Instagram account and posts. The Instagram account needs to be removed and the letters need to be taken down. The Court emphasizes that truth is not necessarily a defense to contempt. You can believe that something is true, but sharing it with your kids can still be a contemptuous act. The Court directs Father to make every effort to take the account down. Father may purge his contempt by removing the account.

Attorney's Fees

17. The Court finds that Mother substantially prevailed and awards her attorney's fees.

Post-judgment Interest

18. The Court awards post judgment interest on all amounts owing at the post-judgment interest rate of January 1, 2024, plus 2% pursuant to U.C.A. §15-1-4(3)(a), which is 6.81% interest on all arrears.

Judgment Amounts

19. The Court awards Mother a judgment in the following amounts:
    a. A judgment for $15,400 for past due child support from January 2024 through October 2025.
    b. A judgment for $2,800 for one-half of the costs of medical and dental insurance from January 2024 through October 2025.
    c. A judgment for $5,287.13 for one-half of all medical costs to be shared between the parties from December 2023 through September 2025.

20. The Court directs that Father may purge his contempt by paying his ongoing support obligation each month plus something towards arrears each month. The amount towards arrears needs to be a good faith amount. The Court will determine good faith when the matter comes before the Court again. The Court does not place a number towards the arrears that need to be paid each month as it will be based off of future circumstances.

Father's *Countermotion to Enforce*

21. The Court declines to stay the proceedings pending resolution of the *Petition to Modify*. The order or judgment remains in effect while the petition is pending. Frankly, it is not in the children's best interest for parties to be able to say "I don't want to pay child support for the next year and a half" because that can be how long it takes to resolve the petition to modify, or even longer.
22. The Court does not find that Mother's motions violated Utah enforcement protocols.
23. The Court does not award Father his attorney's fees for two reasons: (1) Father did not prevail; and (2) Father did not use an attorney. The Court does not award attorney's fees to people who don't have attorneys.

THIS DOCUMENT SHALL BE IN EFFECT IF/WHEN THE COURT STAMP IS AFFIXED ABOVE

Approved as to form:

_____

KIRK RUSSEL MARSH
Respondent

NOTICE OF INTENT TO SUBMIT ORDER FOR SIGNATURE

PLEASE TAKE NOTICE that the undersigned, attorney for Lauren Zimmer, will submit the above *Order on Hearing (November 12, 2025)* to the Fourth District Court for signature, upon the expiration of seven (7) days from the date of this Notice unless written objection is filed prior to that time, pursuant to Rule 7(j)(4) of the Utah Rules of Civil Procedure.

DATED this 19th day of November, 2025.

/S/ Kristy L. Hanson
KRISTY L. HANSON

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the law firm of MacArthur, Heder & Metler, PLLC, 4844 North 300 West, Provo, Utah 84604, and that in said capacity and pursuant to Rule 5(b), Utah Rules of Civil Procedure, a true and correct copy of the foregoing *Order on Hearing (November 12, 2025)* was served upon the following on this 19th day of November, 2025:

PARTY	METHOD OF SERVICE
Kirk Russel Marsh kirkrussel@gmail.com *Respondent*	☐ Hand-delivered ☐ U.S. Mail ☐ Fax ☒ E-Mail ☐ Utah Court Electronic Filing System

/s/ Mary Robison